

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LUVATA BUFFALO, INC.,

Plaintiff,

v.

AIG EUROPE, S.A., et al.,

Defendant.

ORDER
08-CV-0034A

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On March 4, 2010, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that plaintiff's amended complaint and defendant's intervenor complaint not be dismissed for lack of standing, that defendant Unison's motion to dismiss be denied and that defendants Lombard and Avec's motion to amend be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, plaintiff's amended complaint and defendant's intervenor complaint are not dismissed for lack of standing, defendant Unison's motion to dismiss is denied and defendants Lombard and Avec's motion to amend is granted.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: March 29, 2010